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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,918	02/17/2004	Timothy Piumarta	PEAA 314	1906
23581	7590	10/19/2005	EXAMINER	
KOLISCH HARTWELL, P.C. 520 S.W. YAMHILL STREET SUITE 200 PORTLAND, OR 97204			WATKINS III, WILLIAM P	
			ART UNIT	PAPER NUMBER
			1772	

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/780,918	<b>Applicant(s)</b> PIUMARTA ET AL.	
	<b>Examiner</b> William P. Watkins III	<b>Art Unit</b> 1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>24 June 2004</u> . | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 1772

**DETAILED ACTION**

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this

Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-13, 15-20, 22-25 27-35 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stier et al. (U.S. 4,931,330) in view of Emal et al. (U.S. 4,042,739).

Stier et al. teaches a grip tape or sheet with grit joined to a substrate layer and an adhesive and release layer under the substrate layer (abstract, Figure 2). Emal et al. teach the use of perforations on a tape that is to be secured to a substrate in order to allow venting of air through the tape to prevent bubbles from forming when the tape is joined to the substrate (Figure 2, col. 3, lines 5-10). The instant invention claims a grip tape with perforations. It would have been within the ordinary skill of the art to have used perforations in the sheet of Stier et al. in order to allow venting of air when the sheet

Art Unit: 1772

of Stier et al. is secured to a substrate because of the teachings of Emal et al. Selection of hole size and distribution to allow adequate and timely air venting for a given application is taken as being within the ordinary skill of the art absent unexpected results.

3. Claims 2, 14, 21 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stier et al. (U.S. 4,931,330) in view of Emal et al. (U.S. 4,042,739) as applied to claims 1, 3-13, 15-20, 22-25 27-35 and 41 above, and further in view of Wilson et al. (U.S. 5,296,277).

Wilson et al. teaches the use of multiple ply plastic films as tape backings (col. 5, lines 10-20). The instant invention claims a two ply backing layer. It would have been obvious to one of ordinary skill in the art to have used a multiple ply backing in layer in order to have increased strength in the tape sheet of Stier et al. as modified above because of the teachings of Wilson et al.

4. Claims 36-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stier et al. (U.S. 4,931,330) in view of Emal et al. (U.S. 4,042,739) as applied to claims 1, 3-13, 15-20, 22-

Art Unit: 1772

25 27-35 and 41, and further in view of Slocum et al. (u.s. 5,888,614).

Slocum et al. teaches the use of a pin roller and mating roller to perforate a film structure (abstract, Figure 5a). The instant invention claims the use of a pin roller structure to perforate a grip tape. It would have been obvious to one of ordinary skill in the art to have perforated the tape sheet of Stier et al. as modified above by using a pin roller because of the teaching of Slocum et al. that this is an efficient way to perforate sheet material. Use of a flat needle press would have been obvious from this teaching if a batch operation was desired.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William P. Watkins III whose telephone number is 571-272-1503. The examiner works an increased flex time schedule, but can normally be reached Monday through Friday, 11:30 A.M. through 8:00 P.M. Eastern Time. The examiner returns all calls within one business day unless an extended absence is noted on his voice mail greeting.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

Art Unit: 1772

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "William P. Watkins III", with a stylized flourish at the end.

WW/ww

October 17, 2005

**WILLIAM P. WATKINS III  
PRIMARY EXAMINER**